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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,081	02/11/2004	Maroun Gregory Maroun	67,159-001	2374
26096	7590	10/17/2006	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			OSORIO, RICARDO	
			ART UNIT	PAPER NUMBER
			2629	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,081

Applicant(s)

MAROUN, MAROUN GREGORY

Examiner

RICARDO L. OSORIO

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 9-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/14/04; 2/11/04; 3/29/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Gibbons et al (6,933,925).

Regarding claim 1, Gibbons teaches of a computer pointing device (Fig. 4, ch. 200) comprising an inaudible moveable input (Fig. 4, ch. 201) that generates a user input signal that is communicated to a computer through an interface (Fig. 4, ch. 235) including at least one resilient member responsive to movement of said input (Fig. 4, ch. 400), wherein said resilient member is moveable between an engaged position and a disengaged position with said interface and wherein contact between said resilient member and said interface is inaudible (col. 4, lines 15-17, col. 6, lines 25-26), and including a switch operably coupled to said input for converting said inaudible moveable input to an audible moveable input (col. 6, lines 26-40), wherein said inaudible moveable input comprises a button on a mouse and wherein activation of said button is silent (col. 4, lines 4-10, and col. 6, lines 25-26).

Regarding claim 8, Gibbons, further, teaches of at least one interface electrical contact (Fig. 4, ch. 236), at least one resilient member including at least one resilient member electrical contact (Fig. 6A, ch. 416) for selective engagement with said interface electrical contact (co. 4, line 64-

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col. 5, line 1); and at least one user input member cooperating with said resilient member to selectively engage and disengage said resilient member electrical contact from said interface electrical contact (col. 4, lines 15-17) wherein said resilient member electrical contact inaudibly engages said interface electrical contact in response to user input to said input member (col. 6, lines 25-26).

Regarding claims 16-18, Gibbons, further, teaches of positioning at least one resilient member immediately adjacent the input (col. 4, lines 4-10), depressing the input to issue a click command (col. 4, lines 15-17), and providing inaudible movement of the resilient member in response to receipt of the click command (col. 6, lines 25-27).

Allowable Subject Matter

3. Claims 9-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: Claims 9-15 are allowable since certain key features of the claimed invention are not taught or fairly suggested by the prior art. In claim 9, "a switch operably coupled to said input member for converting inaudible engagement between said resilient member and interface electrical contacts into audible engagement between said resilient member and interface electrical contacts". In claim 15, "said resilient member comprises a cantilever spring having a first end held fixed relative to said interface and a second end moveable relative to said interface, said resilient member electrical contact being positioned at said second end". The closest prior art of record, however singularly or in combination fails to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is 571-272-7676. The examiner can normally be reached on Monday through Thursday from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala whose telephone number is 571-272-7681.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: 571-273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to the Customer Service Window at the Randolph Building, 401, Dulany Street, Alexandria, VA 22314.

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RICARDO OSORIO
PRIMARY EXAMINER
Technology Division: 2629

RLO
October 14, 2006